

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOBBY JOE BURNS,)	CASE NO.: C07-0040-RSM-MAT
)	
Petitioner,)	
)	ORDER DENYING PETITIONER'S
v.)	MOTION FOR APPOINTMENT OF
)	COUNSEL AND GRANTING
CAROL JONES,)	PETITIONER'S MOTION FOR
)	EXTENSION OF TIME
Respondent.)	
_____)	

This is a federal habeas action brought pursuant to 28 U.S.C. § 2254. This matter comes before the Court on petitioner's motion for appointment of counsel or, in the alternative, for an extension of time to file a response to respondent's answer to petitioner's federal habeas petition. The Court having reviewed petitioner's motion, and the balance of the record, does hereby ORDER as follows:

(1) Petitioner's motion for appointment of counsel (Dkt. No. 13) is DENIED. There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing

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PETITIONER'S MOTION FOR EXTENSION OF TIME
PAGE -1

01 Section 2254 Cases in the United States District Courts. The Court may exercise its discretion
02 to appoint counsel for a financially eligible individual where the "interests of justice so require."
03 18 U.S.C. § 3006A. However, petitioner fails to demonstrate that the interests of justice are best
04 served by appointment of counsel in this matter at the present time.

05 (2) Petitioner's motion for an extension of time (Dkt. No. 13) is GRANTED.
06 Petitioner is directed to file *and serve* his response to respondent's answer not later than *August*
07 *20, 2007*.¹

08 (3) Petitioner's federal habeas petition (Dkt. No. 1) is RE-NOTED on the Court's
09 calendar for consideration on *August 24, 2007*.

10 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for
11 respondent, and to the Honorable Ricardo S. Martinez.

12 DATED this 13th day of July, 2007.

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14 
15 Mary Alice Theiler
16 United States Magistrate Judge
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20 ¹ Shortly after petitioner filed his motion for appointment of counsel, petitioner filed a
21 document entitled "Petitioner's Response/Reply Brief." It is not clear whether petitioner intended
22 that document to constitute his full response to respondent's answer. In any event, there is no
indication in the record that petitioner served that document on counsel for respondent.
Accordingly, that document (Dkt. No. 14) is STRICKEN.